

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LANGSTON PERKINS,

Defendant.

8:08CR253

ORDER

Defendant Langston Perkins (Perkins) appeared before the court on March 29, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 53). Perkins was represented by James J. Regan and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Perkins waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Perkins should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention pending placement in a substance abuse treatment program. Perkins' counsel concurred in the recommendation. Since it is Perkins' burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Perkins has failed to carry his burden and that Perkins should be detained pending a dispositional hearing before Chief Judge Smith Camp. However, should Perkins obtain placement in a substance abuse program, the court will reconsider detention.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on May 24, 2013**. Defendant must be present in person.

2. Defendant Langston Perkins is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 29th day of March, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge